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BIENNIAL MESSAGE
OF
GOVERNOR FRANK M. BYRNE
TO THE
FOURTEENTH LEGISLATIVE SESSION
STATE OF SOUTH DAKOTA

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MESSAGE

OF

Governor Frank M. Byrne

TO THE

Fourteenth Legislative Session

State of South Dakota

1915

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Governor's Message

To the Members of the Fourteenth Legislature of the State of South Dakota:

In pursuance of the constitutional provision that the Governor "shall, at the commencement of each session, communicate to the legislature by message, information of the condition of the state, and shall recommend such measures as he shall deem expedient," I come to you now, at the beginning of your session, to give you such information on the condition of the state, its various institutions and activities, as I believe may be helpful to you in the performance of your duties, and to suggest some measures I deem of importance.

The reports of the several state officers, the various state boards, and heads of the different departments and institutions will be laid before you, and from these you may gather much valuable information in regard to the condition of the state's affairs, and the conduct of the public business during the past two years, which will be a help and guide to you in the consideration of the many problems that will come before you for solution, and they should receive your serious consideration.

We have reason to felicitate ourselves on the circumstances surrounding us as we meet today. Our harvests have been bountiful; our people are prosperous, successful in their enterprises, contented and satisfied, patriotic, law-abiding, intelligent and thrifty. We have reason to be proud of one state and thankful for our blessings.

The state is in good condition financially. There is no bonded indebtedness. The only indebtedness is that represented by \$110,000 of revenue warrants. The amount of such

indebtedness is almost exactly equal to the amount loaned to the Capitol Building Fund from the General Fund. When the Capitol Building lands are sold, and as they are sold, the proceeds from such sales will be used to reimburse the General Fund. The amount of these warrants has been reduced approximately \$100,000 during the past two years, as \$500,000 were outstanding when I became Governor, and had been for some years prior to that time. The indebtedness of the state is thus being substantially reduced. The revenue warrants should be entirely paid off during the next two years without increasing the tax levy and the state thus be left without indebtedness of any kind, and with more than \$400,000 due and coming from the future sale of Capitol Building lands. This is the more significant when it is remembered that the state levy is hilt one mill on the dollar,—a tax of one dollar on the thousand of valuation. Our total state tax collections are less than \$2.00 for each person in the state. Measured either by the rate of levy or the amount of tax collected in dollars per capita of population, our state tax is small. The public money is being economically and efficiently expended.

The utmost care and circumspection should be exercised in appropriating money for the different institutions, departments and offices of the state. To quote from my inaugural address of two years ago:

“Not a dollar should be expended, no office created or continued, and no person employed, except such as is necessary for good and efficient government. At the same time, I would urge you to so provide for each department of the state government as to enable it to serve the people efficiently.”

The several educational institutions should receive, such financial support as to constantly increase their usefulness and efficiency. The present high standard must be maintained in the management of the charitable and penal institutions. The various boards, commissions and officers must receive such support as will enable them to perform their duties well and serve the people efficiently. At the same time, the most careful and exact economy must be practiced, mud tilt' total, expenditure kept well within the prospective income.

Generally, and in round numbers, the income of the state for the next two years, may be estimated at \$3,500,000.00 and the total expenditures must be kept below that amount, so that the reduction of the warrant indebtedness may be continued and the warrants entirely paid off before the opening of the next legislative session following this one.

To economize is not necessarily to lessen expenditure in a particular field, but to make the expenditure wisely, to gnarl against waste, and to be sure that all money spent is made to return the maximum yield of efficiency and achievement. The people do not want the beneficial activities of the state curtailed or crippled. They are willing to contribute what may be required to make the government an efficient instrument to accomplish their purposes.

We should see that every dollar spent accomplishes a useful purpose: that waste is eliminated; that no part of an appropriation for a proper public use is diverted for private gain or wasted through carelessness or inefficiency.

The people do not complain of liberal expenditures for proper purposes. They want their government and its different departments and agencies maintained and supported so generously that it may have the strength and vitality to act efficiently in their behalf and perform for them such tasks as organized government may perform more effectively than can scattered individuals. They will complain, only, if their money is used for personal advantage and not for the common good, for things time result of which is of doubtful value, or for that which is not immediately pressing but can well wait a more opportune time.

CHARITABLE AND PENAL INSTITUTIONS

The report of the Board of Charities and Corrections furnishes you valuable detailed information in regard to the institutions under its charge; and the report of the Women's Committee of Investigation will repay a careful perusals. I would direct your attention especially to the recommendations in each of these rein its in favor of manual or vocation-

at training and domestic science teaching in some of the institutions.

Our charitable allot penal institutions are generally well conducted, and I believe full- up to the standard of average similar institutions to be found any where. I have at different times visited the hospital for the Insane, the Home and School for the Feeble Minded, the Deaf Ante School, the Training School, and the Penitentiary, and feel that I am fairly well informed as to their condition and management. Of the School for the Blind at Gary, and the Tuberculosis Sanitarium at Custer, I have only such kin as I have been able to senile from, reports, official and otherwise. Each of these institutions is doing good work and is well managed.

The Hospital for the insane is a model institution in every way, and the unfortunate people resident. there are cared for as humanely and successfully as possible. I unhesitatingly say that the standard maintained in this institutions not surpassed anywhere. The more recently constructed buildings are especially adapted to their respective uses. Under the intelligent and highly efficient management of Dr. Mead, the Superintendent, practically continuous building operations are carried on, utilizing the labor of the inmates extensively, and producing buildings of remarkable utility and been a minimum cost. I commend Dr. Mead's report to your most careful consideration. His recommendations for appropriations fray be relied on. I especially call your attention to his recommendation in regard to preparing a location for the beginning of another institutions against the day, soon to arrive, when this institution will have reached the maximum of population that can be successfully cared for.

The report of the Home and School for the Feeble Minded at Redfield gives much valuable information in regard to the institution and merits your careful consideration. The Superintendent, Dr. Kutnewsky, and his corps of assistants, are doing splendid work there, tile only drawback being that the institutions is seriously overcrowded, the

population now considerably exceeding the proper capacity. I endorse the recommendations that the plan initiated by the last legislature for a building for administrative and school purposes be carried out.

I call your attention to the reports of the Schools for the Deaf and the Blind, and recommend that each be supported liberally. I especially endorse the recommendation for provision for industrial training.

The addition to buildings, and other improvements, made at the Training School the past two years, have very much improved conditions there, and that school is now doing its work successfully and efficiently. The boys and girls detained there are well cared for and given good opportunities for improvement and development. The Superintendent of the institution and the Board of Charities; wool Corrections recommend appropriation for manual or industrial training for the boys, and domestic science instruction for girls. I endorse this recommendations, and add the suggestion that everything possible should be done to give the boys and girls committed to this school, a chance to develop into good and useful men and women.

The report of the Superintendent of the Tuberculosis Sanitarium and the references thereto by the Board of Charities and Corrections, give full information as to the conditions and needs of that institution, and indicate a successful and satisfactory administration. Sufficient appropriation should be made to provide for its needs and to meet future requirements as they develop.

Penitentiary

Our penitentiary is well managed and humanely conducted, measured by the usual standards of prison management of today. The prisoners are well fed and clothed, and, making allowance for the limitations of the ordinary penitentiary, well housed. Cruel and inhuman punishments are not resorted to. During the last two years, the inmates have been given the privilege of talking to one another while at meals in the dining room, and also the privilege of congre-

gating in the corridors Sunday afternoons and conversing freely. These privileges have resulted in recognized improvement in the spirit and morale of the inmates and the discipline of the institution. Granting the assumption that prisoners must be kept within prison walls and locked in cells, the treatment of the inmates of our penitentiary cannot be criticized, but, on the contrary, is to be highly commended, when compared with the average of penal institutions throughout the country.

I believe, however, that we are getting a clearer vision of our duty to the unfortunates who happen to be under sentence of imprisonment. We have had, and have still, to a great extent, a peculiar obsession in regard to this. Society seems to have acted on the belief that a man charged with, and convicted of, a crime that involved a penitentiary sentence, must necessarily be a dangerous criminal. Men, and even young boys, convicted of minor offenses, often on not very conclusive circumstantial evidence, when nothing in the circumstances surrounding the case or the individual indicates a permanent criminal tendency, are locked in cells and carefully guarded, as though they were as violent and dangerous as ferocious wild animals, treated without consideration of regard for their present rights of feelings, or their future welfare, and denied even the privilege of talking to, or with, their fellows, whose elbows they touch in their daily tasks. Society, I believe, is finally awakening not only to the wrong and injustice of it all, but to the folly, and the cost to society, itself, as well, and is coming to realize, and act on the realization, that the main purpose of imprisonment is reformation of and encouragement to the individual. It is true there are, those who are criminally inclined by nature, but there are many more who acquire the inclination under the usual prison management. I doubt if we often give thought or consideration to the fact that so many of the occupants of our prisons are boys and very young men. In our own penitentiary there were received in the two year period ending June 30, 1914, 273 prisoners. Of these

41 were under 21 years of age,

104 were under 25 years of age,
 159 were under 30 years of age,
 188 were under 35 years of age.

That is to say: of the total number received in the two years, nearly three-quarters were under 35 years of age, 60 per cent. were under 30 years of age, approximately 40 per cent. under 25 years of age, and 15 per cent. under 21 years of age.

In my inaugural address two years ago, I made a similar analysis of the former two year period, and it is strange to note how closely the percentage of different ages runs in the two periods. So we see our prison population is not made up of mature men, but largely of boys yet in the formative period of their lives. Most of these have material for good citizenship, and it should be the business of the state to open the way and make it easy for them to reform and develop successful and useful lives, instead of making such reformation and development difficult, as the usual present day methods of prison management certainly do. There are, of course, in every penitentiary, some aren't of real criminal inclination. But many, in most cases probably a majority, are unfortunate victims of circumstance and environment, of temptation that under the circumstances they were unable to resist, and who at heart and in purpose and intention are much the same, as the majority of us. Most of these need not, and should not, be locked in cells. They should, so far as possible, be given vigorous outdoor employment, making and improving roads, constructing state buildings and engaged in farming in its various branches.

Prison Labor in Road Making

In some of the states, prisoners are used in road making, with marked success, success from the standpoint of the prisoners' welfare, as well as from the standpoint of profit to the state. This method of employing prisoners is especially successful in the mountainous regions where road making requires heavy work and expense, and more men can be worked for a long time from the same camp or headquarters.

Our conditions here are different, and if we adopt this plan for the employment of prisoners. we must work out the problem to meet such conditions, I believe it call be made successful, in some degree, at least, and should be given a fair and thorough trial.

Prison Farm

For many of the young men, first termers, and those who show themselves worthy of trust and confidence, I believe farm work to be the ideal employment. I referred to this matter in my inaugural address two years ago. and said in part:

"For long I have believed that farm operation is the natural and proper employment for ordinary prisoners, especially the young, the first termers, those who are serving short sentences, and those, in general, who demonstrate that they are worthy of confidence. * * * * The state owns a tract of farm land * * * * some distance north of the penitentiary * * * * . I recommend that you make provision for immediate erection of suitable buildings, and that arrangements be made to operate a farm on this tract of land at once, with the labor of such of the inmates as the Warden and Board of Charities and Corrections may deem best suited and most deserving of trust. If it proves successful, as it seems to have proven highly successful in other states, it could be extended from time to time until employment of this kind was furnished to practically all of the inmates who can safely be entrusted in such work. * * * * In the first place, farm work is healthful, invigorating, self-respecting labor. Again, it offers opportunity for men, if they will, to learn the details of an industry that may be useful to them in after life. If a man being released from prison could go out with a certificate of the Board of Charities and Corrections or the -Warden, certifying him to be a good, efficient farmer, or stock man, or dairy man, or a willing and efficient worker in any department of farm labor, it might be very helpful to him in his efforts to find a place and readjust himself in society and earn an honorable living. By the discriminating use of the indeterminate sentence and the parole, and a generous system of credits for good behavior, especially for trustworthiness when at work away from the penitentiary and the usual restraints of prison life, with the provision that such credits would be certainly cancelled for any attempt to escape or to abuse privileges granted, a well managed farm might be made a most important factor in helping many of those unfortunate men back to a useful life. Starting now on the small tract of land I refer to here, operations could and should be extended until a large, well equipped farm might be developed, conducted on modern, advanced lines, which, while being made the means of redemption of many good men, could also combine the advantages of a model farm on which to demonstrate the best farm methods for the benefit of the state, and a very profitable enterprise."

Acting, on my recommendations, the legislature appropriated money for securing and equipping a farm. About 300 acres were farmed the past year and various buildings erected, mostly by prison labor, with very gratifying results. The state now owns something over 500 acres of the very best of land, all of which is to be utilized as a prison farm next year.

This is but a very small start. Arrangements should be made for extensive farming operations, so extensive that substantially all the trustworthy prisoners can be so employed. There need be no fear of locating a farm or farms at a distance from the penitentiary. It would be better if the men were taken away from its shadow. A large tract of land should be secured, and ultimately, perhaps, different tracts, and it would be the part of economy, and I believe, wisdom, to buy where land is not so high priced as in the vicinity of Sioux Falls. It is time we began handling and controlling convicted men in an intelligent attempt at reformation and redemption, and with some regard for the welfare of the man and his relation to the state.

Contract Labor in Prisons

The contract with the Sterling Manufacturing Company for the manufacturing of shirts in the penitentiary will expire next March. In my inaugural address two years ago I referred at some length to this contract in particular, and prison contract labor in general. In view of my profound conviction upon this matter, I can do no better than to quote part of my remarks thereon as follows:

"I have always been opposed to contract labor in prisons. Lately I have given some special attention to the matter, and am more than ever convinced that in principle and practice it is absolutely wrong. In this instance, the state is here manufacturing an exceptionally good class of working shirts for thirty-six cents a dozen, three cents a piece. I do not complain especially on the ground that it may not furnish sufficient profit. From my standpoint, profit in a matter of this kind, is a secondary consideration. I call your attention, first, to the fact that the state, in manufacturing for such beggarly prices, is engaging in grossly unfair competition with a class of workers already shamefully underpaid. For this price the state furnishes room, light, heat, power and machinery of all kinds—cutting machines, sewing ma-

chines and everything used in the manufacture of shirts except the material; unboxes and unpacks the material, packs and boxes the completed shirts, all for three cents each. My complaint of the price, remember, is not especially that it does not furnish the state sufficient profit, but principally that it is brutally unfair competition with the (free) workers in this line of industry.****

So far as I have been able to learn, the price paid on the contract in our penitentiary is below the average. **** I have not been able to learn of any other contract in which the price named is so low as ours, thirty-six cents a dozen. I have also been permitted to examine an elaborate lot of estimates and figures purporting to give the usual cost of manufacturing shirts with paid labor. The figures I have show that the lowest estimated cost under such conditions ranges from \$1.20 to \$1.40 per dozen. If this is true, and I believe it is, it will give you some idea of the inordinate profits to be made by this combination on the contract with our penitentiary, and I do not hesitate to characterize such profits as blood money of the most inexcusable sort, secured at the expense of the hope- and prospects of unfortunate prisoners who should be engaged in self-respecting and self-developing labor, and in brutal competition with those workers who earn their living in similar industries.

I call your attention to the fact that no benefit comes to the individual man from this class of work. In the first place, it can hardly be called self-respecting labor. Understand, men here do not learn to make a shirt. There are twenty-five or thirty different operations. The material is started at one end of a long table, where men sit crowded close together, is passed along from one to the other, each adding his little share, performing his particular little operation, and at the other end it comes out a shirt. Do you say these men are learning a trade? I ask, what trade? One man, for instance, simply sews on buttons with a machine, nothing else. If you say he is learning a trade, I answer that he is simply learning to sew on buttons, and, when released the only possible benefit his experience can be to him is that he has learned to sew on buttons, if, anywhere in the world to which he is restored, he can find a similar machine. So it is with other operations. One man hems a collar, another sews it on; one attaches a cuff, another hems it; none getting any experience whatever in shirt making except in his own little part. There is absolutely nothing in any of these operations that in any way fits boy or man for earning an honorable livelihood when going again into the outside world."

My experience and observation since then only serves to further confirm me in the therein expressed. My aim then was to forever put an end to prison contract labor in South Dakota and I am now confident that such result is practically accomplished. This contract should not, and shall not, be renewed, and no similar contract ever again made. Prisoners must be otherwise employed.

I call your attention to the recommendations of the

Warden and the Board of Charities and Corrections, that the twine plant be enlarged to furnish additional employment when the shirt contract is abandoned. Such of the population as it is deemed best not to engage in outdoor work can be well and profitably employed in the manufacture of twine, and an increased number can be so employed in the winter months, when outdoor employment will not engage so many. In providing for the enlargement of the twine plant, however, it should not be with a view to furnishing permanent employment to all, or a majority of the prison population. Most of the men for the greater part of the year should be, and shall be, engaged in outdoor work.

I commend to your consideration the report of the Parole Officer made to the Board of Charities and Corrections. The present Parole Officer has given intelligent attention to his duties, and is in sympathy with those under his care. You should provide ample funds to cover his expenses, that he may render even more efficient assistance hereafter. The members of the Board of Charities and Corrections have their work well in hand and are rendering as effective service as is possible under our awkward and cumbersome method of managing these institutions.

STATE EDUCATIONAL INSTITUTIONS

The report of the Regents of Education is interesting and comprehensive. That report, together with the reports of the executives of the different schools, included therein, is worthy of your most careful alteration. Specific recommendations are made as to the needs of the various schools, accompanied by valuable detailed information. I ask you to carefully consider the recommendations for appropriations and to provide such support for the state's educational institutions as their growing needs demand, taking into consideration in providing for the respective schools the character of the work of each, the number of students in attendance, and such other considerations as may be necessary to enable you to do substantial justice, always remembering the necessity

of keeping the expenditures of the state below the estimated income.

The University, the State College of Agriculture and Mechanic Arts, the School of Mines, the Northern Normal and Industrial School, the Normal Schools at Madison, Spearfish and Springfield, are each developing along substantial and permanent lines, and each is doing good work in its field. The executives and instructors are earnest, enthusiastic, and devoted to their duties, and the schools merit the cordial support of the people of the state.

Agricultural Extension Education

During the past year Congress enacted a law known as the Smith-Lever Act, to provide for agricultural education extension work by co-operation between the Department of Agriculture and the Agricultural Colleges of the different states. Without describing in detail the provisions of that law, it is sufficient to say that it provides for extension education in agricultural subjects, through co-operation between the Department of Agriculture at Washington, and the Agricultural Colleges. The Act requires that the state must formally accept the provisions of the law by resolution of its legislature before it can participate in the benefits of the Act or in the money appropriated there under, providing further that during a recess of the legislature "the Governor may accept the provisions of the Act for the state, until such time as the legislature may meet. Upon receiving notice of the enactment of this law, I accepted its provisions for the state, and designated the State College of Agriculture and Mechanic Arts as the proper agency of the state to administer under the provisions of the Act are to be administered, and the State Treasurer as the officer of the state to receive and have the custody of funds. The Board of Regents thereupon took action looking to the organization of an Extension Bureau and I understand are contemplating employing a director so soon as one can be selected.

In order to derive the benefits from this Act and to secure its pro rata share of the money appropriated by the

Federal Government, the state is required to provide an amount of money equal to the amount, received from the Federal Government for the uses provided in the Act. Under this Act there is available from the Federal Government \$10,000.00 annually, beginning July 1, 1914. Beginning July 1, 1915, additional amounts will be available, and each year thereafter the amount received the preceding year will be increased, this on condition that like amounts are provided from year to year on the part of the state.

It will be your duty to pass a resolution formally assenting to and accepting the provisions and requirements of said Act, and naming the State College of Agriculture and Mechanic Arts as the proper agency of the state to administer the law and disburse the funds received thereunder, and authorizing and empowering the Board of Regents of Education to utilize the grants of money appropriated and to organize and conduct agricultural extension work in accordance With its terms and conditions, and designating the State Treasurer as the proper officer to receive the funds coming In the state under the provisions of this law.

It is very desirable that all of the activities of the state which might in any way be said to be related to agricultural extension education work should be united and coordinated, and that there should be no duplication of work in this field. It is manifestly desirable that the present system of carrying on Farmers' Institutions should be discontinued and that class of work united and carried on with the field or extension work to be organized by the College. I regard this matter as especially important and ask that you give it your attention.

In making appropriation of money to meet the requirements of the Smith-Lever Act, it would be well to make the appropriation: in such flexible manner that any part or all of such funds will be available for this particular work, leaving to the College the task of assigning the proper amounts to match the amounts coming from the Federal Government. In providing for the organization of the extension division, care should be taken to have the organization made an in-

tegral part of the College, and to guard against the possibility of rivalry, dissension, or conflict between the agencies of the state.

Soil Survey and Investigations

The prosperity of the state will always depend upon its agriculture. Indeed, it may be said the prosperity of the country, and for that matter, the world, depends upon agriculture. There is a saying that "Public prosperity is like a tree; agriculture is its roots; industry and commerce are its branches and leaves; if the root suffers, the leaves fall, the branches decay, the tree dies." Ours is preeminently an agricultural state and our continued prosperity is preeminently dependent on agriculture. We have a wonderful endowment of naturally rich soil, in which we found a veritable storehouse of fertility. But any storehouse, however large and well supplied, is in time depleted and its stores exhausted unless it is replenished from time to time. We cannot go on indefinitely taking from the soil its fertility, constantly consuming, burning up as it were, the essential elements of plant food. without, in time, depleting and impoverishing our soil, bankrupting our agriculture and leaving to our children a heritage of waste, unless, betimes, we take stops to replenish the soil, to restore and make good its fertility, and to return to it the essential elements of plant food take from it in our annual harvests.

We should begin now, or at least lay the foundation for, a survey and investigation of the soils of the state to secure accurate information regarding their composition, what elements are being exhausted or are measurably lacking, with the view to the permanent preservation of these soils. We must establish, on these naturally fertile prairies a permanent agriculture an agriculture that will not exhaust fertility and impoverish the soil, but that will replenish and preserve the soil and restore fertility. And in this we might almost do something new under the sun. for the history of our race is mostly a history of soil depletion. here in America as elsewhere. The millions of acres of once fertile but now

impoverished and abandoned farms, from New England to the Gulf of Mexico, bear testimony to this,—and there are such millions of acres, mostly well located close to great markets, of good topography and fine physical composition, easily tillable and in good climate so abandoned only because of depleted fertility, exhaustion of the essential elements of plant food. And in this we are but repeating the history of our race in extensive areas of the old world.

We may think such provision unnecessary because of the native richness of our soil but some day we, or our children will wake from such delusion to find that we have been unwittingly going the way that others before us have gone, using up our capital, soil fertility, without replenishment, bartering our birthright of assured and abiding welfare of the race in permanent agricultural prosperity, for temporary gain in freedom from the care and trouble required to provide for its preservation. I would not be understood to mean that soil impoverishment is immediately impending with us here in South Dakota, but I would utter a word of warning, I would have it understood by all that it is time we took thought of the future in this regard, and took steps to preserve our great Heritage of fertile farm land, and that it is vastly easier to preserve fertility while it is still with us, than to restore it after it is gone.

We already have at the College of Agriculture the nucleus for all organization to inaugurate and carry on a soil investigation and survey at the minimum of expense.

Grade or Common Schools

The grade or common schools in the rural districts, villages, and towns of the state are more important, and more people are directly interested in their welfare, than any other of our educational institutions for the reason that so many of our coming citizens therein receive their only school advantages. No effort should be spared to improve their condition and increase their efficiency. The able and comprehensive report of the Superintendent of Public Instruction contains much valuable information in regard to

these schools, as well as to the other schools and all of the educational activities of the state. I refer to his recommendation for a State Board of Education as being especially worthy of consideration.

Better Salaries For Teachers

Better salaries should be paid in our schools. "The laborer is worthy of his hire," and who more than he or she to whom is entrusted the education and development of the children and youth of the land. We do not pay enough in any of our schools to attract and hold the best talent, or to encourage teachers to spend time, toil and money in preparation and development of such talent as they may have, for a successful teaching life. We constantly suffer for this. Our institutions of higher education, our state schools, labor at a disadvantage because salaries are materially lower than in surrounding states. When a member of the teaching force at the University, or any other of our state schools, proves especially valuable, When he or she begins to develop strong qualities of service or leadership, and is just coming to be especially valuable to us, another state takes notice, and, with a tempting offer of increased salary, and the resultant advantage in prosperity, independence and wider opportunity for service and usefulness, takes from us a valuable servant, to our serious disadvantage. Good executives and instructors are of more importance than good buildings and equipment desirable as these latter may be, and in making appropriations for the educational institutions, I suggest That you first provide for payment of fair salaries, and save, if need be on expenditure for buildings and equipment

ASSESSMENT AND TAXATION

Two years ago I urgently recommended to the legislature the enactment of a law providing for a non-partisan, non-political, permanent Tax Commission, to have general supervisory power over all matters relating to assessment and taxation, and for take over the duties formerly devolving upon the State Board of Assessment and Equalization.

Accordingly a law was passed creating a Tax Commission substantially in agreement with my recommendations. Immediately upon the passage and approval of the law, I appointed the first commissioners, and they established an office in the Capitol and have kept said office continuously open for the transaction of business, and have devoted substantially their entire time to their official duties in strict accordance with the law.

The Commission has labored assiduously at its appointed tasks and rendered loyal and efficient service to the State. Its first biennial report gives evidence of careful, thorough, painstaking work and contains much valuable information in regard to general assessment and taxation matters and to the present conditions and future needs relative thereto in our own state.

The result of the first two years activities justifies the action of the legislature in creating the Commission. Not that complete, or even extensive, reform is yet accomplished. Nor is the claim here advanced that assessments are now perfectly made, or taxes levied with absolute fairness and in justice to all. The burden of the support of government dues not yet rest oil each according to his possessions, the benefits he receives or his ability to pay. It is, however, agreed by all attentive and unbiased observers that there is improvement; that the results of the last two assessments are more equitable than any other in the history of the state. Some property that heretofore has regularly escaped taxation is now oil the lax list and contributing its fair share. Some property that heretofore has been flagrantly undervalued is now assessed equitably. Some property that heretofore has borne more than its due share of the tax burden is now relieved, in some measure at least. And, some persons whose names have not heretofore been familiar on the tax lists are now contributing approximately their fair share of the public expense. That this much has been accomplished in the last two assessments cannot fairly lie denied. More than this is not claimed.

But we can never work out an effective and equitable

system of taxation under our present Constitutional provisions. The provision of the Constitution that taxes shall be uniform on all kinds of property, regardless of its character or what it is used for, commonly designated and known as the "General Property Tax," stands in the way of a uniformly equitable distribution of the burdens of taxation. Its requirements are inherently inequitable, on the one hand, and impossible of enforcement, on the other.

In the first place, some classes of property should not be Taxed on the same basis as others, depending on the character and use of the particular class. Land, which was not created by and does not exist because of the labor of any of us, and the value of which is increased and, it may be said, largely created, by virtue of improvement resulting from the labor and enterprise of the entire community, might wisely be taxed on a different basis than some other classes of property, the creation and use of which may be a special benefit and service to the community, adding, perchance, to the value of all the property and especially to that, of unused land near by. The right to use and enjoy the benefits of some classes of property is a special privilege received from the community. The creation and use of other classes of property is it special service rendered to the community. Why then should each necessarily be required to contribute in exactly the same ratio to the support of the community? A person should not be penalized, by extreme tax exactions, for improving his town or neighborhood, adding, by his thrift and industry, to the value of all surrounding property and especially increasing the value of unsightly, unoccupied ground in the vicinity. The farmer should not be penalized because by intelligent industry and thrift he improves, beautifies and makes habitable and attractive the acres he holds, thereby rendering a real service to the community, and adding directly and definitely to the value of all surrounding property, and especially the near-by acres of the absentee owner, as well as to his own. Per contra, we should not offer reward, in the way of tax immunity to him who gives nothing of value or advantage to the community, con-

tributes no new wealth by labor or service, but only holds unused land for the increased value which the thrift and industry of the community will surely add to it as time goes on. To pursue such a policy is to punish the thrifty, the useful and the serviceable, and to reward the useless, the unprofitable and the unserviceable.

But whether or not, as a matter of theory, it is considered desirable that all classes of property should be taxed exactly the same, regardless of its character or what it is used for, long experience has shown that a flat uniform system of taxation cannot be successfully applied alike to all property. Attempts at this have uniformly failed, as our own experience abundantly proves. For an instance, we need only look to our ineffectual attempts to tax certain classes of intangible property. Not only does our Constitution provide that taxes shall be uniform on all property but also, in the most specific and definite way, that monies, credits, notes, bonds, stocks and "dues of every description" shall be taxed the same, as other property. From time to time we have enacted statutes to enforce this provision. Assessors and other tax officers each year solemnly swear to enforce it. Yet the amount of this class of property returned by the assessor is negligible, scarcely worth mentioning, the merest fraction of the total, and the revenue it yields is correspondingly small. And such tax as we get from this class of property is in violation of every principle of equity and fairness. A few people report monies and credits to the assessor and where local tax is high, the greater part of the income is absorbed by the tax. Others do not report this class of property and so entirely escape taxation on such. The results are most inequitable, unjust and unfair. We cannot, and so do not, lay the tax uniformly on all classes of property we only pretend to. In this respect our experience is in no way different from that of others where this system has been employed. It is, and has been, a failure always, everywhere. Tax Commissioners and other tax officers, tax experts and students everywhere join in condemn-

ing the "General Property Tax." In reference to it the Wisconsin Commission said:

"Experience demonstrates that constitutional provisions for the taxation of all classes of property at an equal and uniform rate have been one of the principal causes for the breaking down of the general property tax, and the escape of intangible property from the tax roll."

The United States Supreme Court (142 U. S. 351 S.351), Justice Lamar delivering the opinion, said:

"A system which imposes the same tax upon every species of property, irrespective of its nature, condition or class, will be destructive of the principle of uniformity and equality in taxation, and of a just adaptation of property to its burdens..'"

The Minnesota Tax Commission referring to the experience in Minnesota with this system and reporting results following a change in regard to one class of property says:

"In 1911 a somewhat radical change was made in the method of listing and assessing moneys and credits in this state. For more than fifty years Minnesota had been trying to reach such property for purposes of taxation with the same machinery and in the same manner as we taxed tangible personal property. Our experience was not materially different from that of other states and countries that had followed the same methods, at no time did we ever get more than a fraction of such property on the tax rolls. * * *

Realizing the difficulty of reaching this class of property for purposes of taxation under the prevailing system, the legislature in 1911, passed a law imposing a flat rate of three mills on the dollar on such property. It was felt that a low uniform rate of taxation would result in placing a large amount of this class of property on the tax rolls that had heretofore entirely escaped taxation.

The results the first year under the new law fully justified these conclusions. The assessed value of this class of property returned for taxation in 1910, under the old law amounted to less than \$14,000,000, while in 1911 the amount listed for taxation under the new law exceeded \$115,000,000, an increase of nearly 850 per cent in one year. In 1910 the assessed value of this class of property represented only 4.2 per cent of the bank deposits of the state, while the assessment of 1911 amounts to 33.8 per cent of such deposits."

In the face of practically universal experience why should we go on solemnly pretending to assess and tax all property alike? Why should we tenaciously cling to constitutional and statutory provisions that we know are unenforceable requiring state and county officers to solemnly swear to enforce them when experience shows they cannot? Should we not seek a remedy? Is there a remedy that will

furnish relief, and, if so, what is it? The opinion seems to prevail in some quarters that the remedy is to retain and keep the present provision but ignore and disregard it; continue to solemnly swear to obey and enforce it, without making even an attempt at enforcement or a pretense of obedience. I totally disagree with such a view. An honest and conscientious official having sworn to obey and enforce the constitution and laws will make every effort so to do, and This administration and all of the agencies under it, will continue to enforce the law, including the tax provisions of the constitution and statues so far as the same are enforceable, fairly, justly and equitably, with kindness and consideration, but with firmness and determination and such success as is possible.

There is a proper remedy, however. The constitution and law should not be ignored or disregarded, but changed and modified to meet the requirements of present conditions and the situation that confronts us. This legislature should submit to the vote of thee people at the next general election an amendment to Art. XI of the Constitution that will, if adopted, permit the people through their legislature or on their own initiative to adopt an equitable and a fair and serviceable system of taxation, an amendment that will leave the people free to adopt such intelligent system of taxation as they may see fit.

It is true that the people have heretofore refused to change this provision of lie constitution. Eight years ago, in the legislature of 1907, I assisted in the preparation of such an amendment, which was voted on at the election of 1908 It was then rejected. I am inclined to believe that its provisions and, indeed, its aim and purpose, were misunderstood. Since then, and especially in the last few years, the, subject of tax reform and improvement in general, and the failure of the general properly tax in particular is this state as elsewhere, has been debated and considered extensively, and I have faith to believe that a majority of the people are now ready for this reform, ready to adopt a system of taxa-

tion that will be at once equitable and fair in its application. and capable of enforcement.

I believe a change in our Constitutional provisions is absolutely essential to a perfected system of taxation. In the meantime, however, we must go on with the provisions we have and do the best we can with them, fitting the law to the terms of the Constitution as best we may and applying it as fairly and equitably as possible. The present laws governing listing and assessing property, and levying and collecting taxes, have been accumulating since the adoption of the Constitution. There is conflict in some of the provisions, some are vague and of doubtful meaning and so impossible to enforce, and many are inadequate for the purpose intended. Referring to this condition, the Tax Commission says "the Tax Commission finds many conflicting sections, making our present revenue laws difficult of comprehension and administration."

There is urgent need for a general, comprehensive revision of the statute, relating to assessment and taxation. for the purpose of adjusting and suiting to each other the various provisions. and harmonizing requirements that are now in conflict. Chapter 352 of the Session Laws of 1913. Creating the Tax Commission, directs the Commission

"**** to formulate and recommend such legislation as may be deemed expedient to prevent evasions **** and to secure just and equal taxation, and improvement in the system of taxation in the state."

Also,

"to consult and confer with the Governor *** upon the subject of taxation, **** and to furnish the Governor from time to time such assistance and information as he may require."

In compliance therewith, the Tax Commission, in its report which will be before you. recommends amendments to and changes in, the assessment and taxation laws of the State, and, with my approval and concurrence, have formulated such recommendations into tentative bills, which will be of your disposal to indicate the change and improvement the Tax Commission finds necessary and essential recommend the enactment of laws embodying the provisions of these bills prepared by the Commission.

BOARD OF RAILROAD COMMISSIONERS

The duties devolving upon the Board of Railroad Commissioners are very important to the people of the state. Transportation charges are, under all circumstances, a heavy tax upon the public, compared to which the taxes we pay for the support of government are insignificant. We have a right to demand that such transportation charges be fair and reasonable and not excessive, and, at the same time, we concede that the carriers are entitled to make such charges as will pay operating expenses and maintain their roads and equipment and earn a reasonable profit on the value of the property devoted to the public service. The Railway Companies are continually filing tariffs and classifications proposing advances in rates, and it requires constant watchfulness, as well as care and skill, on the part of the state, to make sure that excessive rates are not established by means of these new tariffs and the constantly proposed changes in classifications.

For instance, in what is known as the eastern and western advance rate case of 1910, the carriers proposed radical increases in rates.

In 1911, the carriers operating in what is known as western classification territory filed a classification to become effective in February, 1912, containing over seven thousand changes, substantially all of which would have effected advances in rates.

These advances were opposed by the Mississippi Valley Association of Railroad Commissioners, of which our Board of Railroad Commissioners is a member, and the advances in each case were denied by the Interstate Commerce Commission. These two cases involved advances amounting to many millions of dollars, of which the people of South Dakota would have had to pay their full share.

Another representative case is what is known as the proposed potato advance rate case, which proposed to change potatoes in car load lots from one classification to another, effecting an advance in rates of five cents per hundred

pounds, of both state and interstate traffic. The advance in state traffic was suspended by order of the Board of Railroad Commissioners, and the advance on interstate traffic was suspended by the Interstate Commerce Commission of complaint of our Board. This change in classification would have increased the charges to the people of this state approximately \$90,000 in one year.

In May, 1914, the carriers operating in western classification territory held a meeting in Chicago, at which they outlined certain advances in rates which they would attempt to put into effect. It was proposed that these tariffs should take effect during December 1914. Approximately \$70,000,-000 was involved in these proposed advances. Upon petition of the representatives of the Railroad Commissions of the Western states including our Board, the Interstate Commerce Commission suspended these proposed advances, involving over 1100 tariff's, pending investigation. This, the western advance rate case of 1914 and 1915, is now pending before the Interstate Commerce Commission. It is being opposed by the Railroad Commissions of the western states, our Board of Commissioners being represented in such organization. If the advances proposed in this case are allowed to go into effect, it will mean an increased charge, annually, upon the people of South Dakota, of at least half a million dollars.

These illustrations give some idea of the importance of the work of the Board of Railroad Commissioners, and its vital relation to the interest and welfare of the people of the state.

It is clearly apparent to those who have been studying or investigating this and kindred subjects, that the railroads and allied interests have set on foot and carefully organized and skillfully conducted movement to force all extensive increased in rates on the one hand, and at the same time discredit the whole system of regulation and control by the federal and state governments. For some time there has been in progress throughout the country a most comprehensive, energetic and persistent campaign, to lead the people

to believe that government regulation, national and state, is impoverishing and ruining the transportation companies: that because of insufficient rates their earnings are unduly diminished that they are unable to pay interest and reasonable dividends: that because of the insufficiency of their earnings they are not able to keep up and maintain their property that their credit is destroyed, and that because of these restrictions they are fast reaching a point where they will be incapable of performing satisfactory service. This well organized and amply financed campaign has for many months filled the columns of newspapers with news dispatches, letters and editorials, filled the magazines with special articles, and supplied the people, with pamphlets, booklets and leaflets containing articles, speeches and letters by various persons and interests, all portraying the deplorable condition of the railroads, and representing that the country will seriously suffer and our trade and commerce be brought to ruin unless the carriers are permitted to make material advances in rates charged the public for service rendered. Whether or not the managers of this campaign believe they can affect the action of the Interstate Commerce Commission and the various state Commissions, I do not know. but evidently the chief purpose is to mislead and pervert the judgment of the American people to deceive them by unwarranted cries of distress, and to lead the public to a frame of mind where there will submit to extensive advances in transportation charges. I do not pretend to pass judgment upon the question as to whether or not advances are needed in any particular case. Some rates may be too low, and some unquestionably are too high. On these and kindred questions I do not pass judgment. I would, however, direct public attention to this campaign and call attention to the fact that it is not prosecuted from disinterested or unselfish motives: that its purpose is not to present all the facts fairly without reservation or exaggeration, but on the contrary, it is carried on by the railroads, their retainers, and allied interests, for the distinct and definite purpose of advocating "in the most partisan and specious way their own side

of the case against the people for the right to lay increased charges upon them, and this under the guise and pretense of presetting unbiased, disinterested information as to the actual conditions. The reports issued by the carriers, then selves, refute the claims of diminishing earnings, disappearing dividends, impoverished surpluses, and of property and equipment decaying because of insufficient earnings front which to replenish and keep it up. Tables have been prepared, compiled front the reports of all of the railroad companies of the country, showing the gross and net earnings, net earnings per mile of road, amount carried to surplus, and amount used on betterments, maintenance and equipment, and the tendency of earnings and expenses of American railways each year for twenty-four years, commencing with 1890. These indicate a strong, constant, upward tendency in net revenue earned, in net revenue earned per mile of road, the amount carried to surplus each year, and in the amount assigned from earnings to maintenance of way and structures, to maintenance of equipment, and to betterments and extensions. These tables as I say, show a constant, upward tendency in the earnings, and that the net earnings of all the railroads, after deducting expense, including taxes, were, in 1913, \$814,000,000, as against \$728,000,000 in 1909, \$574,000,000 in 1904, and \$410,000,000 in 1899, and were, in fact, the largest in 1913 of any year in the twenty-four, save only, 1910; that the net earning per mile of road constantly increased, and in 1913 was \$4,233 per mile as against \$3,505 in 1909, \$2,998 in 1904, and \$2,435 in 1899, 1913 showing the largest net earning per mile of line of any year in history: that the amounts assigned to and expended from earnings for the maintenance of way and structures and for equipment has constantly been increased, especially in later years, and in 1913 was over \$900,000,000, making an average expenditure per mile for these purposes of \$4,098, again showing the largest expenditure for this purpose of any year in the history of railroad operation.

These figures do not indicate that the railroads are in such a deplorable condition, or that their earnings are dimin-

ishing. The fact is that in 1913, the year when we were told the conditions were so bad, the net earnings of the railroads were the largest of any year in their history, with a single exception. and the net earnings per mile of line, as well as the amount used for equipment, betterment and extensions were the largest of any year since the first line of railroad was built. No doubt there is a falling off in earnings at just this time, but this is due to causes of a temporary nature, or to outer causes That can be remedied without an increase in rates. The mere fact that there is business stagnation at the present day is not sufficient reason for placing upon the people a permanent burden in the way of advanced railroad rates. The reports of all the railroads for the year 1911 are not yet available at the time this is written, but those which I have examined do not indicate a serious falling off in revenues, even for 1914.

If the claim of the railroads that they have extreme difficulty in borrowing money and securing capital to conduct their business be true, it may be attributed in part at least to the campaign which they, themselves, have carried on to convince the people that they are demoralized financially because of government regulation and control, which campaign would seem well calculated to discredit them with investors. Or, I venture to inquire, may it not be partly due to the disclosures in regard to the financial operations of the Rhode Island Railway, the Cincinnati, Hamilton & Dayton Railway, the New York, New Haven & New England Railway, and the case of the Atchison, Topeka & Santa Fe Railroad Company, in which suits are now pending by the receivers against former officials of the road for over \$6,000,000 of misappropriated funds? At any rate, the real facts do not seem to sustain the contention either that the roads are embarrassed financially because of diminished earnings, or physically, for want of earnings to maintain the property, that their earnings are very seriously diminished, or that they have not been able to apply liberal amounts for improvements, betterment and equipment.

The second decision in what is known as the eastern ad-

vance rate case of 1914 has recently been given out by the Interstate Commerce Commission, granting additional material advances in the eastern district of the United States. I shall not assume to criticize the decisions granting these advances, but in the face of the facts in regard to earnings, as disclosed by the reports of the railroad companies, themselves. I take the liberty to express wonder and astonishment that the increases should lie granted, under all the circumstances.

The people of South Dakota must bear their share of increased railroad rates. and are affected by increases on any of the roads, chose outside of the state as well as those within the east almost as much as in the west. The agency the state has provided to protect its interests in this field is the Board of Railroad Commissioners. The Board cannot perform its duties efficiently unless it is equipped with the facilities to investigate and learn the facts in regard to the various proposed rates, know what rate is fair and reasonable, mid what rate to resist as excessive and unreasonable. To accomplish this requires competent expert assistance in the various departments.

The Board in its report asks that provision be made for the employment of a statistician or expert railroad accountant. versed in railroad accounting, and the accounting methods of the Interstate Commerce Commission, and a competent, first class civil and mechanical engineer, either by providing that an engineer be assigned to the Board itself, or that an additional man be employed in the State Engineer's office, so that his services may be available for the Board when needed. I earnestly endorse each of these recommendations. The Board cannot render proper service to the people in the intricate and difficult cases coming before them, and the others in which they represent the slate before the Interstate Commerce Commission without competent expert assistance in both the accounting acid mechanical departments. This will not necessitate a large increase in expenditure. The amount paid out now by the Board and the Attorney General's office in the way of fees to expert ac-

countants and statisticians, and for engineering service, is considerably more than half of the expense required to employ such experts permanently, and under the present arrangement the services of such experts are not always available when needed, and the public business suffers thereby, and the relative expense is much greater.

Laws should be passed giving the Board control of light and power companies in the state, and generally extending their authority in the direction of a general public utilities board. The Board have now charge of the matter of testing and sealing elevator scales. This should be extended to include stock yard and track and possibly other classes of scales.

ATTORNEY GENERAL

The Attorney General's Report reviews succinctly and clearly the activities of his office during the past biennium. It should receive your careful attention. The work of that office is constantly increasing, and in its keeping are many things of vital interest in the people of the state. The report enumerates clearly and intelligently some of the duties and responsibilities of the office, and the recommendations relating thereto merit your careful consideration when you come to determine on appropriations for the next two years.

His reference to the report of the Investigating Committee in regard to the pending and proposed actions for the recovery from ex-state treasurers of interest money belonging to the state and alleged to have been appropriated and retained by them to the added duties of the office under the new inheritance tax law, to the express rate case, the express tax case, and in the advance railroad rate case pending before the Interstate Commerce Commission, and the other special matters enumerated, will bring to you some realization of the volume of work devolving upon the department, and the necessity for sufficient financial support to enable it to serve the people and protect their interests with the effectiveness the circumstances require.

Perhaps we do not fully realize the increasing amount of work that comes to the Attorney-General's office or the magnitude or the vital importance of the interests entrusted to it and which we depend on it to guard.

In this connection, I take the liberty to express the wish that each member of the Legislature, and, indeed, every, citizen of the state, stay carefully consider what is said in the report of the Investigating Committee anent the vital importance to the people of the state of the efficient discharge of the manifold duties entrusted to the Attorney General's office and to the Board of Railroad Commissioners. Much of the work is of such technical character and requires so much careful painstaking time, that what one man can do is very definitely limited. Important and fundamental rights, and large interests measured in terms of money, are involved, and it would be extremely unwise to withhold whatever appropriation may be necessary to enable the department to render full service. The Attorney General and his assistants represent the people in so many important matters in which there is so much at stake that sufficient appropriation to provide for the employment of needed assistance is absolutely essential.

I would direct your attention especially to his reference to the pending and proposed suits for the recovering of interest money front farmer state treasurers. The Investigating Committee, appointed under the provisions of Chapter 261 of the Session Laws of 1913, made in extensive investigation for the purpose of ascertaining the amount of interest if any, which had been collected, retained and appropriated to their own use by former state treasurers on public funds in their hands belonging to the state. In a special report the Committee advised me that large sums of money, collected as interest on the public funds, were so retained by former state treasurers, and recommended that actions be commenced for its recovery. I thereupon made a request, as contemplated by the statute, upon the Attorney General, to commence actions for the recovery of this money. He has accordingly instituted actions against the estate of former

State Treasurer Kirk G. Phillips, deceased, and his bondsmen, and against former State Treasurer C. H. Cassill, and his bondsmen, which actions are now pending. If these actions are to be prosecuted to a final conclusion, there will be at least seven cases. The Attorney General states that he believes demurrers to the actions now pending will be argued during the legislative session. If it seems probable that this money belonging to the state can be recovered, the actions should be vigorously prosecuted. I urge you to give careful consideration to the statement of the Attorney General and the report of the Investigating Committee upon this question, and take appropriate action to protect the state's interests,

An interesting and instructive feature of this report, also, is the reference to the numerous cases in which statutes are conflicting, uncertain, indefinite and ambiguous. This is referred to by the Attorney General in such way as to give all needed information. I would, however, call special attention to the following important recommendations: That the Live Stock Sanitary Law be amended so as to give the rules of the Board force and effect; that the laws relating to the collection of taxes be adjusted to avoid the confusion arising by reason of the fact that the 1913 legislature changed the date upon which taxes became due as follows: the first installment, from the first of December to the first of January, the second installment, from the first of October to the first of November, and the time of becoming delinquent and penalty attaching, from the first of March to the first of April, while all of the laws relating to collection of taxes were not made to fit in with this change; that the law requiring railway companies to make and keep in repair causeways or crossings on tracks where one person owns land on both sides, be revised and clarified.

He calls attention, also, to the confusion that exists in the matter of the inspection of public buildings. The law requires the Hotel Inspector to inspect all public buildings, while requiring theaters, opera houses and show houses, generally, to be licensed by the state treasurer. This makes

it difficult to enforce the law. It should be under the sole charge of the Inspector of Public Buildings.

He also recommends that Chapter 285 of the Session Laws of 1913 be amended so that all inspectors in the Food and Drug Department be empowered to make inspection of oil and other petroleum products. At the present time the law limits the number of men who may make such inspections to three. No good reason exists why all inspectors in the Food and Drug Department should not make this class of inspections, in connection with their other duties, and thus effect a. saving in traveling and other expenses, and do the work more promptly and efficiently.

Also that the law in regard to misbranding drugs be amended so as to conform to the national drug act, by incorporating in our state law the so-called Sherley Amendment to the National Food and Drugs Act of 1906. The three last mentioned changes are also recommended by the Food and Drug Commissioner.

FOOD AND DRUG COMMISSION

The Food and Drug Commissioner in his report recommends several amendments to the law relating to the various subjects that come under the control of his department, pointing out definitely and concisely the object and purpose in view in each instance. There is merit in each of these recommendations, and in the interest of simple, effective, enforceable ways to govern this department you should give all of them most careful consideration. I call your especial attention to the following, which I regard as particularly important:

That Chapter 215 of the Session Laws of 1913 be entirely revised and remodeled, to make a comprehensive, effective law, regulating sanitary conditions in food producing and handling establishments. The present law is indefinite, almost unintelligible, and so difficult to enforce.

That the law be amended to authorize the Food and Drug Commissioner to adopt such rules, regulations and standards

as may be necessary to enforce the food and drug laws of the State.

That Chapter 180 of the Session Laws of 1909, relating to misbranding of drugs, be amended so ,in to include the following provision of the Federal Law of 1906. known as the Sherley amendment:

"An article shall be deemed to be misbanded in the case of drugs, if its package or label shall bear or contain any statement, design, or device regarding the curing or therapeutic effect of such article or any of the ingredients or substances contained therein, which is false or fraudulent." "

That the, law be amended or revised so as to make complete provision for inspection and sealing of scales, weights and measures, and establishing standards. The Attorney General recommends this also.

That the lam- governing inspection of oil and petroleum products he amended so as to permit all inspectors of the Food und Drug Department to make inspection of these products with a vice- to efficiency and economy. This is also recommended by the Attorney General.

That a law be enacted strictly prohibiting the use of Wood alcohol, wood naphtha or methyl alcohol, in any article of rood or drink, or in any medical or toilet article for internal or external use. and regulating the sale of the various forms of wood alcohol for other purposes.

That effective provision be made to restrict and control the sale of narcotics and habit forming drugs, and giving the Food and Drug Commissioner such Power and authority in the premises as may be needed.

These, and other recommendations of the Food and Drug Commissioner, are important, referring as they do mainly to the protection of the food supply of the people, and to preventing fraud and imposition by adulteration, misbranding and by short weight or measure. So important are these matters considered that bills are being tentatively prepared by the Attorney General's office, in consultation With the Food and Drug Commissioner. to cover the recommendations, which bills will be respectfully presented for

your consideration, to indicate what is deemed necessary to enable this department to effectively perform its duty and meet the expectations of the people.

BOARD OF HEALTH AND MEDICAL EXAMINERS

The biennial report of the Board of Health and Medical Examiners is interesting and comprehensive, giving much valuable information in regard to the activities of the Board in the effort to improve the conditions relative to public health, sanitation and kindred matters, and making important recommendations with a view to increasing the efficiency of its efforts in the future. This report is so full and complete that I shall not comment on any of its features especially, but as you to give it careful attention. Sufficient appropriation should be made for the support of the Board, to enable it to efficiently accomplish the purposes and discharge the duties contemplated by law. Like so many other of our officers and public servants, the members of this Board are not given sufficient compensation. The Superintendent should be given such salary as will pay for a good man's full time, and sufficient provision should be made for the expenses of the Board and its members.

PUBLIC PRINTING

Two years ago I called attention to the need for revision of the public printing law. A new law was enacted, not in exact accord with my recommendations, but substantially conforming thereto, and especially providing that all contracts for printing and supplies shall be let on public bids to the lowest and best bidder. The law has operated successfully and satisfactorily, resulting in a large saving to the state. The new plan went into effect in March, 1913, and by March, 1915, when it will have been in force two years, the direct saving to the state as the result of its operation will be approximately 100,000, probably considerably more.

I suggest a further change in the method of approving and paying bills for printing and supplies under this law. Under the present system payment for the printing and sup-

plies for each state office, institution or department is made out of the more appropriated for such institution or department. When a contractor delivers supplies and presents his bill, it must be checked over and approved by the institution or department for which it is furnished, and then go to the Printing Commission for approval there. For various reasons there is often long delay of the part of the different institutions in checking over, approving and returning these vouchers, and payment is thus unnecessarily delayed. In one case that came to my notice, a voucher for \$102.50, showing delivery of the goods in November, was not approved, returned and paid until the following February. In another case, a delayed voucher showed the delivery of the goods to have been made January 20, and the voucher not returned to the Printing Commission for approval until June 30, following. In another case, a voucher showed delivery of goods August 14, and the voucher was returned to the Printing Commission and paid November 3. Such delays not only cause hardship and inconvenience to the contractor, but are a positive injustice. Then a contract, is completed and the goods delivered, it is to the interest of every one, the state as well as the contractor, that the account be settled and paid promptly. Again it frequently happens that more than one voucher for the same bill comes, to the Printing Commissioner, approved by an institution, that is to say, the same item or charge is often approved in different, separate vouchers, and it requires the utmost care and watchfulness on the part of the Printing Department to prevent vouchers for the same bill being duplicated and approved for payment.

I suggest that instead of the printing for each institution or department being paid for out of the separate funds of such institution or department, a general appropriation be made to cover all public printing; that when a contract is let and the goods delivered to an institution or department, such institution or department shall simply approve of and receipt for the goods. and that the Printing Commissioner promptly pass upon and approve the bill or voucher and pass

it on directly to the Auditor's office for final auditing and payment. This would greatly simplify transactions. give contractors their money promptly as contemplated by the law, as they are entitled to have it, and guard against loss to the state through possible duplication of bills.

If the provisions of this law were applied to the counties of the state and they be required to purchase books, records and oilier supplies through competitive bids, quarterly, in the same manner as state printing and office supplies are now secured, it would be the means of saving large sums of money to the people of the state and, at the same time, furnishing better service.

I suggest, also, that the law be amended to provide that all supplies for the state. including furniture and equipment of every kind that the state pays for be purchased, upon bids. publicly submitted, in the same manner as are now printing and office supplies. Beyond question, much money would be saved to the state, and the results would be more satisfactory.

It is suggested, also, that the handling of the Codes and Session Laws, and kindred supplies for which the state receives money, be placed under the jurisdiction of the Printing Commissioner. So that an accurate check may be kept upon the handling and sale of such supplies. Under the method now and heretofore followed, in handling this class of property, no check is or can be kept on the properly or the income there from.

BANK GUARANTY LAW

The guaranty of deposits in state hanks has engaged the attention of the people of the state for some time. I urged the enactment of such a law in my inaugural address to the last legislature, and again, in a special message towards the close of the session. There was no considerable, open. direct opposition to the general plan. and yet the legislature could not be brought to enact a guaranty law. It is probably true that neither of the bills presented were in the best form. or would have proved entirely satisfactory,

and there seemed to be no one to work out the details of a law to meet the approval of a majority. and so nothing was accomplished.

The State Bankers Association at its meeting in 1913 appointed a committee to suggest or prepare a bill for a law on this subject. That committee prepared a tentative bill, which was submitted to and revised by the Public Examiner, lie first suggesting such changes as he deemed essential, and ultimately rewriting the bill. With the Public Examiner, I have several times gone over it. studied its provisions, and watched its preparation with much interest and care.

Finally, with the assistance of the Public Examiner and the Attorney General's office. I had a bill drawn, embodying generally the provisions of the bill above mentioned, making only slight changes, with a view to strengthening the control of the Banking Department over banks guaranteed under the law. This bill will be presented to the legislature for consideration. I say, with all confidence, that it meets all the requirements of a good flank Guaranty Law. The following is a brief statement of the main provisions, speaking in a general way and without reference to detail:

In addition to the guaranty feature, it revises and codifies our present banking law to adjust it to the requirements of the gin guaranty provisions.

It provides for a Guaranty Fund Commission, to be composed of the public Examiner, who shall be Chairman and Executive Officer, and three other persons to be appointed by the Governor, to have supervision of the enforcement of the guaranty features of the law.

It provides for the appointment of an attorney for the Department, to have charge of litigation arising, and to act as general legal adviser of the Department. This, I may say, I regard as a very wise provision. Experience has shown that the Department has need for the continuous service of a competent attorney, familiar with ifs problems and requirements, and the financial interests the people have at stake are such as to warrant it.

It provides for the levy of an assessment against each state bank to create a guaranty fund, ample to meet any possible emergency, gives proper power and authority to the Banking Department to enforce collection of the contributions to such fund from each bank, and to protect the same.

It provides that when any guaranteed bank suspends or becomes insolvent, the Public Examiner shall take charge and immediately proceed to determine the amount of each depositor's claim, and pay such claims promptly and without delay.

Thus I believe this bill provides every requisite feature of a sufficient bank guaranty law. It provides for an ample guaranty fund under the control of the banking department, giving full authority to collect, protect and disburse such fund: gives the solvent banks which must furnish the money to pay the deposits of a suspended guaranteed bank supervisory authority in (i) determining the methods to be employed in accumulating, safe-guarding and disbursing such fund; provides for the prompt payment of the full amount of the guaranteed deposits of a suspended bank out of the guaranty fund and for the reimbursement of such fund from the assets of the suspended bank as such assets are realized upon.

I definitely and urgently recommend the enactment of this law at as early a date as possible consistent with due consideration of its terms. I am satisfied this measure will increase confidence in, and the prosperity of, the banks guaranteed under its provisions, and at the same time, will not only furnish certain security to depositors in our state banks, but relieve all apprehension and anxiety in regard to them. There is no doubt that the people demand it, yes, expect it. They have a right to expect it. It is promised in the platform of the Majority Party, the platform out of which most of you and I were elected. I have myself so persistently advocated it that I feel that my election is a definite endorsement of the plan. I urge that it be enacted without undue delay.

MILITIA

When I became Governor I found many unpaid claims against the Military Department contracted at various times prior to the then current fiscal year, and some dating back several years. These could not be paid without legislative action as all appropriated funds revert, to the treasury at the end of each fiscal year. At the same time, the usual claims for armory rent, freight and passenger transportation and other bills for the then current fiscal year had accumulated and were accumulating. There was sufficient money in the fund appropriated for the department to meet all these current year claims and expenditures had it not been diverted for another purpose. By Chapter 60 of the Laws of the last session, unexpended funds remaining in the regular Militia Maintenance Fund and the Special Militia Fund were re-appropriated to pay a portion of the old claims accumulated against the department, as above indicated, to the amount of \$9,882.83. This left the department entirely without funds to pay the bills and meet expenses for the current year.

In this emergency, I issued a certificate to the Adjutant General, under the provisions of Chapter 137 of the Laws of 1909, giving him my consent and approval to expend not to exceed \$6,000, in excess of the money in the department Fund, for payment of legitimate claims for the current fiscal year expenditures. This consent was granted on the agreement that sufficient of the funds appropriated for the department for the fiscal year ending June 30, 1914, would be saved and left, unexpended to pay this amount. At the end of the fiscal year, \$7,506.16 was so unexpended in the Militia Maintenance Fund and reverted to the treasury.

Upon the authority so granted the Dakota Trust & Savings Bank of Sioux Falls advanced between \$5,000 and \$6,000 on regularly certified vouchers for claims against the department, and it is holding said certificate and vouchers therefore. It will be necessary to make an appropriation to take up and pay these vouchers. Thus you will see that had not the

regular appropriation for the department been diverted, no indebtedness would have been incurred under the present administration and expenditures would have been kept within the amount appropriated for its support.

There are still a large number of unpaid bills against the department, dating back to former administrations. I believe that in most instances, at least, these are for proper expenditures that the state got value for the amount of the claim and provision should be made for their payment. It would of course, require a legislative appropriation, but some disposition should be made of them. I suggest that either through the appropriation committees or by some other means, the legislature investigate all of these old claims and the circumstances surrounding them and determine whether they are to be paid or rejected, and, if to be paid, make a proper appropriation therefor.

The outward is in good condition, well and efficiently organized and officered, the relation of all parts of the organization harmonious, and the morale of the best. The report of the Adjutant General gives full information in regard to the department for the past biennium.

COMMISSION OF IMMIGRATION

In August, 1913, Hon. John D. Deets, who for more than two years had held the office of Commissioner of Immigration, resigned to accept a similar position in an adjoining state at a largely increased salary. The Board of Immigration appointed Hon. Chas. McCaffree of Howard to the position made vacant by the resignation of Mr. Deets. Mr. McCaffree immediately established his residence at the Capital and has since devoted his entire time to the department. In addition to advertising the resources of the state through pamphlets, circulars, maps and articles, as required by law, he has resorted to other legitimate means of publicity. He has attended and taken part in meetings and trips for the promotion of good roads and to mark and designate the same, both to promote interest in road improvement and to advertise South Dakotas interests and activities, and when

invited or called for, has attended various gatherings and made addresses upon questions relating to our development, present and prospective, and has attended agricultural fairs in oilier states, making creditable exhibitions of resources and products, distributing advertising matter and delivering lectures and addresses, using motion and other pictures to illustrate our resources. Also, a car was decorated and fitted up with exhibits of the states products and taken over the Chicago & Northwestern lines in Iowa and Illinois, going from town to town, spending one day in each town visited and delivering an illustrated lecture showing and telling of the resources, activities and opportunities the state and the advantages offered to settlers.

He has also compiled figures and information on crop averages and yields for the benefit of the people of the state and to answer inquiries from newspapers, agricultural and financial Journals and others wanting official or semi-official information, and has actively and diligently disseminated information quid encouraged movements and activities calculated to encourage more successful methods of agriculture, stock raising and production on the one hand, and to advertise the advantage of the state for the home seeker un the other. Good service has been rendered to the state. I recommend that such appropriation be made as will meet; the growing activities of the department.

GAME DEPARTMENT

The change made by the legislature in the method of enforcing the game law by discontinuing the system of county wardens and providing for a small number of deputy state wardens, has worked an improvement or the administration of the laws for the protection of game. The law has been enforced more efficiently than ever before.

The fencing of the Game Preserve in the Black Hills is completed. Thirty-six buffalo and twenty-three elk have been purchased and are nosy within the enclosure. It is believed that no small number of deer were enclosed when the

fence was built and will thus be kept in the Preserve and protected. Also, it is planned to secure more elk during the present winter. Officials in charge of the forestry service in the Black Hills region assure me that the flock of mountain sheep ranging, on the Pine Ridge Reservation in the western part of the state can lie secured for the Preserve, and offer to assist in their capture. At this time efforts are being made to corral some antelope that are running at large on the prairies west of the Missouri River. It is hoped that a goodly number of each of these species can lie acquired, with a view to making the collection of animals in the Preserve as complete as possible.

GOOD ROADS

The last legislature made provision for a Highway Commission to consist of three members to be appointed by the Governor. The law defined in considerable detail the duties of the Commission, but- failed to make any appropriation, either for salary or expenses. This is a serious defect. It cannot be expected that we can continue to secure men to act on such a commission under conditions requiring them to pay their own personal expenses in addition to devoting their time without compensation. The present Commission have rendered very considerable service and accomplished much good, personally paying their traveling, postage, stationery, printing, and other necessary expenses, and have carried on an effective campaign in the interests of better roads, have responded to calls from various parts of the state to attend meetings, explain time law and counsel with road officials and address the people on matters pertaining to highway building and improvement. They have rendered this service, not only without pay, but at very considerable expense of time and money and are entitled to the gratitude of the people of the state. Money should be appropriated to pay the necessary and proper expenses incurred by the Commission, and provide either a salary or a per diem payment for the time actually engaged in their public duties. Notwithstanding the fact that there were no public funds

at their disposal the Commission have made and issued a report containing valuable information, and making important recommendations. You will find it worthy of your careful attention.

MOTOR VEHICLE LAW

Chapter 276 of the Session Laws of 1913 relating to motor vehicles provides for a registration fee for such vehicles to be paid to the County Treasurer, and that the County Treasurer shall remit the state's percentage of such fee to the Secretary of State. and requires the Secretary of State to pay any such balance of such funds remaining after all necessary expenses have been paid, into the state treasury at the end of time fiscal year. This law should be amended to require the County Treasurer to make remittances direct to the State Treasurer and that all expenditures from such fund be paid upon warrants issued by the State Auditor upon the filing and auditing of proper vouchers as in the case of other public funds.

If there are any other state funds handled in this loose way. under the provisions of any law, it should be corrected. Where is no more reason why the County Treasurer should remit these funds to the Secretary of State than that he should remit the permanent school funds or the interest and income funds to the Commissioner of School and Public Lands. All state funds should be remitted and paid directly to the State Treasurer. and all bills or claims against any state fund should be submitted to and audited by the Auditor's office. and paid by Auditors warrant in the regular way.

STATE FAIR

The State Fair is growing in size and importance from year to year. until it is now looked upon as one of the important fairs of the Northwest. It is well and economically managed and furnishes an instructive and valuable exhibition of distinct educational value. especially to the farming interests of the state. It should receive such support and encouragement as will provide for its growth and enable

the Board to safely make such arrangements and offer such premiums as will attract the best class of exhibitors.

SOLDIERS' HOME

During the past biennium the Soldiers' Home has been well managed and its affairs carefully conducted. The inmates have been well housed and cared for. Some needed improvements have been made, and the institution, generally, is in splendid condition. I direct your thoughtful attention to the valuable suggestions and recommendations contained in the report of the faithful Board of Managers and the efficient Superintendent in charge.

DEPARTMENT OF HISTORY

The Department of History is rendering valuable service to the State. Such appropriation should be made for its support as its growing needs and activities require. You will find the Department, and especially the Legislative Reference Division, ready to furnish you statistical and other information in regard to the many matters you will have under your consideration, and its facilities may be made very helpful to you in your work.

ELECTION OF UNITED STATES SENATORS

The recent amendment of the Federal Constitution providing for the election of United States Senators by direct vote of the people instead of by the Legislature, as heretofore, calls for some legislative action to meet the requirements of the change. Our primary and general election laws should be amended to provide for putting the names of candidates for Senator on ballots and specifically providing for their elections. Congress passed an Act making temporary provision for the election of Senators pending the action by the Legislatures in the different States. This Act of Congress is intended to apply only until such time as the Legislatures meet and it now is incumbent upon you to provide for such election, and to provide a method of temporarily filling any vacancies that may occur between general elections.

ABOLISH THE DEATH PENALTY

I believe that the practice of taking human life under provision of law should be abandoned in South Dakota, and so I recommend the repeal of all law providing for the infliction of the death penalty for any cause or under any circumstances.

I make this recommendation earnestly and after the most serious consideration. No good can possibly come from killing human beings deliberately and in cold blood under circumstances that make every citizen a party to the deliberate act. There is not a vestige of evidence to support a claim that it tends to discourage or prevent crime. On the contrary, there are some indications that a wave or impulse of crime sentiment stay, and sometimes does, sweep over a community as the result of a legal execution. No one will maintain that states or countries where human life is taken under legal provisions are freer from crime than are those where it is not. It is a relic of barbarous times, carried over into our modern life, largely because of the inertia of society, which tolerates but does not consciously approve it, and as a rule, does not take the initiative to shake it off. In the very nature of the circumstances surrounding an execution, it has a demoralizing and depressing if not a degrading, effect upon the officers of the law whose unfortunate duty it is to participate in it, and indirectly, upon society.

In the interest not so much of the unfortunate victims of legal executions as of our own moral welfare and the development of our higher ideals, in the interest of aspiring Christian civilization, let us put this practice behind us.

Many important matters will come before you for your consideration, requiring the exercise of your best care and judgment. The duties of a legislator are always important, and often trying and arduous. Much is crowded into the brief period of your session. I want to lend a hand and help wherever I can and to co-operate with you in the service of the state and its people.

I close, as I began by counseling the strictest economy in appropriating the public funds, but again I say that by economy I do not mean mere niggardly saving at the expense of the efficiency and usefulness of the state's various agencies and activities, but using the resources at our command intelligently as well as economically.

We can determine now, with approximate accuracy, the amount of money that will be available during the next biennium for all purposes, to support all of the states enterprises and activities. It is our business and task to use this to the best possible advantage: to get the best results; to apply it with intelligence and judgment.. in good conscience and efficient fashion, to the maintenance of all the beneficial agencies of the state: to promote education-education of child, youth and adult: to the care of the unfortunate and dependent; to strengthen the organizations established' to defend the rights and promote the welfare of the people, and for the upbuilding of the state and the strengthening and perfecting of its government, to the end that it may more nearly approach our ideal of what government should be—the organized manifestation of the people's hopes, aims, ideals and purposes.

REPRIEVES, COMMUTATIONS, PARDONS

In accordance with the provision of the statute that “the governor shall communicate to the legislature, at each regular session. such case of remission of fine, or reprieve, commutation or pardon granted by him in the cases in which he is authorized to act without the recommendations of the said board of pardons. slating the name of the convict, the crime of which he is convicted, the sentence and its date, and the date of the remission, commutation, pardon. or reprieve, with his reasons for granting the same.” I present for your consideration, the following:

Frank Porter, sentenced from County of Stanley, under date of October 21, 1912: crime of statutory rape: term of one year: pardoned March 21 1913. Pardon was granted in

consideration of the youth of the prisoner, his excellent record in the penitentiary, previous good reputation and evidence of reformation.

Verne Woodman, Abe Koolish and Milo Aspinwall, sentenced December 7, 1912 Davison County: crime of grand larceny: term of six months in the penitentiary. Pardoned by order of the Governor, on the recommendation of the Board of Charities and Corrections. March 8, 1913, and pardoned under slate of April 4, 1913. action being based upon the extreme youth of the prisoners. their clear records while in the penitentiary and their good behavior while on parole.

Roy Shepard, sentenced from Meade County, June 13, 1911, for the crime of shooting at another with intent to kill: term of four months. Prisoner was received at the penitentiary in February, 1913, after having appealed the case to the Supreme Court. On April 4, 1913, a pardon was granted, in consideration of the favorable record of the prisoner and the fact that his wife and child were in distress and in urgent need of his support.

Feed G. Kurtz, sentenced under date of December 31, 1912, from the County of Tripp: crime of embezzlement: term of one year and one day. A pardon was granted on April 16, 1913, upon the earnest recommendations of the Attorney who prosecuted the case. the petition of very many responsible citizen, familiar with the facts of the case and the extenuating circumstance surrounding the same.

R. S. Hallett, sentenced at the May, 1910. term of the Circuit Court within and for the County of Sanborn: crime of committing an assault upon the person of another with a dangerous weapon: sentenced to serve a term of two years. Pardoned under date of April 19, 1913, in consideration of the advanced age of the prisoner and his, unblemished reputation prior to the commission of this offense. Statements received from the various members of the jury returning the verdict were also considered. all of whom recommended a pardon.

J. R. Millard, sentenced from County Minnehaha May 20, 1912, and committed January 9, 1913, for the crime of embezzlement; term of one year: pardon granted May 27, 1913. Prisoner was a man sixty-three years of age with a wife and large family of children dependent upon him. He was a model prisoner during confinement.

Henry Big Eagle, sentenced from Hughes County, for the crime of grand larceny, On May 20, 1912: term of two years. Pardon was granted August 18, 1913, upon the recommendations of the states attorney who prosecuted the case against the prisoner and the sentencing judge. The jurors convicting Big Eagle also recommended that a pardon be granted.

Otto Leupke, sentenced under date of January 10, 1913, from Sanborn, County: crime of bigamy: term of one year. Pardoned August 23, 1913. Warden stated that the prisoner was mentally deficient and after arrangements were made that he be cared for by a brother living outside of the state boundaries it was decided that a pardon should issue.

Alice M. Correll, sentenced from the County of Walworth, March 21, 1913; crime of maiming: term of two years. Pardoned September 4, 1913. action being based upon the extenuating circumstances in connection with the case, the recommendations of the jurors returning the ver-dict, the states attorney and the attorney general, as well as the petition of very nially responsible citizens familiar with the crime.

Charles E. Hall, sentenced from Corson County; crime of grand larceny, under date of April 9, 1913; term of one year; pardon granted October 17, 1913. The circumstances surrounding this case were unusual, it appearing that the prisoner was unduly influenced by another. His prison record was excellent and also at the line of release the wife of the prisoner was in a very delicate condition of health and in grave need of his assistance and support.

George Lehman, sentenced from the County of Brule on March 27, 1913, for the crime of obtaining money under false pretenses; term of one year. Pardon was granted un-

der date of November 1, 1913, such action being taken in response to the petition of a large number of Brule County citizens and various other recommendations. The extreme youth of the prisoner and the fact that he pleaded guilty and that his previous reputation was good were also considered.

G. H. Walter, sentenced on February 15, 1913, from the County of Tripp, upon a plea of guilty to the crime of embezzlement: term of two years. Pardoned December 1, 1913, in consideration of the excellent prison record and exemplary conduct of the prisoner and the destitute condition of his family.

Henry Schumacher, sentenced from the County of Walworth, under date of July 16, 1913, for the crime of grand larceny: term of one year and six months. Pardoned on December 17, 1913. Action was based upon the excellent record of the prisoner during confinement, his youth, his good reputation in the community in which he lived, and his evident reformation.

William Kade, sentenced from Bon Homme County, for the crime of robbery, under date of December 11, 1912; term of two years. Pardoned on January 8, 1914. Various recommendations were offered in the case by people familiar with the facts, the prisoner's wife was ill and destitute, his own desire seemed to be to begin life anew and the pardon was deemed the course of wisdom.

Clarence Johnson, sentenced January 27th, 1913, from the County of Edmunds, for the crime of burglary: term of one year: pardoned March 15, 1914. The prisoner was an extremely young man, had always borne a good reputation and had a clear record for good behavior in the penitentiary.

William Hopkins, on the 25th day of August, 1913, was sentenced from Roberts County for the crime of grand larceny: term of one year. Pardoned June 3, 1914, in consideration of the prisoner's youthful age, his careful observance of the rules of the prison and good record while therein. Various recommendations were offered in the case.

William Middlemist, sentenced on September 30, 1913,

crime of embezzlement; from Codrington County: term of one year. He was paroled under date of April 15, 1914, and on June 3 1914, a full pardon was granted, as a reward for good behavior, because of the serious condition of health of the prisoner's wife and also in order to assist him in taking a very desirable position.

Robert Roberts, sentenced from the County of Dewey, on the 16th day of April, 1914, for the crime of grand larceny: term of one year in the penitentiary. Pardoned August 13, 1914 upon the recommendations of the prosecuting attorney and the sentencing judge. The pardon was also recommended by others familiar with the details of the crime.

Sidney Dickey, sentenced September 17, 1913, from the County of Sully; crime of grand larceny; term of eighteen months. Pardon issued September 14, 1914, based upon the earnest recommendation of the attorney who tried the case, upon the good record of the prisoner after commitment, his previous good reputation and the further fact that he was confirmed in the Sully County jail for four months before commitment to the penitentiary.

Edward Duncan, sentenced March 11, 1914, from the County of Corson; crime of grand larceny; pardoned November 16, 1914. Action was taken in response to the petition of a large number of responsible citizens familiar with the details of the crime and in consideration of the youth of the prisoner and his clear record while in the penitentiary.

John Prins, sentenced at the March, 1913, term of the Circuit Court within and for the County of Deuel: crime of burglary: term of two years. He was paroled January 15, 1914, and pardoned November 10, 1914, in consideration of the extenuating circumstances surrounding the case.

Henry Hanson, sentenced from the County of Corson, on the 10th day of April, 1914, for the crime of embezzlement; term of two years. Pardoned December 10, 1914, such action being recommended by the States Attorney who presented the case and many other citizens of the State. The prisoner's record while in the penitentiary was excellent.